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FILED

Board of Vocational Nursing
and Psychiatric Technicians

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2008-725

13 **VERCINIA MICHELLE GORDON**
5250 Orange Avenue, Apt. 16
14 Long Beach, CA 90805

A C C U S A T I O N

15 **Vocational Nurse License No. VN 199835**

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this accusation solely
22 in her official capacity as the Executive Officer of the Board of Vocational Nursing and
23 Psychiatric Technicians, Department of Consumer Affairs, State of California.

24 2. On or about May 31, 2002, the Board of Vocational Nursing and Psychiatric
25 Technicians issued Vocational Nurse License Number VN 199835 to Vercinia Michelle Gordon
26 ("Respondent"). The Vocational Nurse License expired on September 30, 2007, and has not been
27 renewed.
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4. Code section 118(b) provides:

STATUTORY PROVISIONS

6. Code section 2878 provides in pertinent part:

(a) Unprofessional conduct, which includes, but is not limited to, the following:"

7. Code section 2878.5 provides in pertinent part:

"(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

Accusation

1 8. Code section 2878.6 provides in pertinent part:

2 "A plea or verdict of guilty or a conviction following a plea of nolo contendere
3 made to a charge substantially related to the qualifications, functions and duties of
4 a licensed vocational nurse is deemed to be a conviction within the meaning of this
5 article. The board may order the license suspended or revoked, or may decline to
6 issue a license, when the time for appeal has elapsed, or the judgment of
7 conviction has been affirmed on appeal or when an order granting probation is
8 made suspending the imposition of sentence, irrespective of a subsequent order
9 under the provisions of Section 1203.4 of the Penal Code allowing such person to
10 withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the
11 verdict of guilty, or dismissing the accusation, information or indictment.

12 9. Section 490 of the Code states in pertinent part:

13 "(a) In addition to any other action that a board is permitted to take against a
14 licensee, a board may suspend or revoke a license on the ground that the licensee
15 has been convicted of a crime, if the crime is substantially related to the
16 qualifications, functions, or duties of the business or profession for which the
17 license was issued.

18 (b) Notwithstanding any other provision of law, a board may exercise any authority
19 to discipline a licensee for conviction of a crime that is independent of the authority
20 granted under subdivision (a) only if the crime is substantially related to the
21 qualifications, functions, or duties of the business or profession for which the
22 licensee's license was issued.

23 (c) A conviction within the meaning of this section means a plea or verdict of guilty
24 or a conviction following a plea of nolo contendere. Any action that a board is
25 permitted to take following the establishment of a conviction may be taken when
26 the time for appeal has elapsed, or the judgment of conviction has been affirmed on
27 appeal, or when an order granting probation is made suspending the imposition of
28 sentence, irrespective of a subsequent order under the provisions of Section 1203.4
of the Penal Code..."

10. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board
within the department pursuant to law to deny an application for a license or to
suspend or revoke a license or otherwise take disciplinary action against a person
who holds a license, upon the ground that the applicant or the licensee has been
convicted of a crime substantially related to the qualifications, functions, and duties
of the licensee in question, the record of conviction of the crime shall be conclusive
evidence of the fact that the conviction occurred, but only of that fact, and the board
may inquire into the circumstances surrounding the commission of the crime in
order to fix the degree of discipline or to determine if the conviction is substantially
related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and
"registration."

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 13. Respondent's license is subject to discipline under Code sections 490 and 2878(f) for
4 unprofessional conduct because the Respondent has been convicted of a crime substantially
5 related to the qualifications, functions, and duties of a licensed vocational nurse. The
6 circumstances are as follows:

7 a. On or about June 5, 2009, in the Superior Court of the State of California, County of
8 Los Angeles, the Respondent was convicted of the crime of Driving Under the Influence of
9 Alcohol or Drugs, in violation of Vehicle Code section 23152(a), a misdemeanor. The
10 Respondent was sentenced to four (4) years probation, ordered to serve 49 days in jail and
11 complete an 18-month second-offender alcohol and drug counseling program. (*People v.*
12 *Vercinia Michelle Gordon, Superior Court of the State of California, County of Los Angeles,*
13 *Case No. 8CP11885, 06/05/2009*).

14 b. The facts and circumstances surrounding the criminal convictions are that on or about
15 September 29, 2008, the Respondent was driving a vehicle and stopped by the California
16 Highway Patrol as part of a hit and run investigation. The Respondent was asked to perform
17 Field Sobriety Tests (FST), which she failed to perform as explained and demonstrated. A search
18 of the Respondent's vehicle revealed a brown purse containing 13 prescription pills, including
19 Vicodin, a narcotic pain reliever, and Soma, a muscle relaxant.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Conviction of a Substantially Related Crime)**

22 14. Respondent's license is subject to discipline under Code sections 490 and 2878(f) for
23 unprofessional conduct because the Respondent has been convicted of a crime substantially
24 related to the qualifications, functions, and duties of a licensed vocational nurse. The
25 circumstances are as follows:

26 a. On or about April 24, 2008, in the Superior Court of the State of California, County
27 of Los Angeles, the Respondent was convicted of the crime of Driving Under the Influence of
28 Alcohol or Drugs, in violation of Vehicle Code section 23152(a), a misdemeanor.

1 The Respondent was also convicted of the crime of Driving When Privilege Suspended or
2 Revoked, in violation of Vehicle Code section 14601.1(a), a misdemeanor. The Respondent was
3 sentenced to three (3) years probation, ordered to serve 23 days in jail, complete a 3-month first-
4 offender alcohol and drug counseling program, and pay restitution of \$636. (*People v. Vercinia*
5 *Michelle Gordon, Superior Court of the State of California, County of Los Angeles, Case No.*
6 *7LT05223, 04/28/2008*). On or about June 5, 2009, the Respondent was found in violation of
7 probation and sentenced to an additional 30 days in jail.

8 b. The facts and circumstances surrounding the criminal conviction are that on or about
9 September 26, 2007, the Respondent was driving a vehicle, which was traveling southbound in
10 the northbound lanes and subsequently crashed into two parked vehicles causing moderate
11 damage. Officers from the Long Beach Police Department made contact with the Respondent
12 and noticed she displayed objective signs and symptoms of being under the influence of a
13 narcotic. A search of the Respondent's vehicle revealed a green purse containing 28 prescription
14 pills, including Vicodin, a narcotic pain reliever, and Soma, a muscle relaxant. The Respondent
15 allegedly admitted taking two of each of the pills prior to driving.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Conviction of a Substantially Related Crime)**

18 15. Respondent's license is subject to discipline under Code sections 490 and 2878(f) for
19 unprofessional conduct because the Respondent has been convicted of a crime substantially
20 related to the qualifications, functions, and duties of a licensed vocational nurse. The
21 circumstances are as follows:

22 a. On or about May 1, 2006, in the Superior Court of the State of California, County of
23 Los Angeles, the Respondent was convicted of the crime of Hit and Run with Property Damage,
24 in violation of Vehicle Code section 20002(a), a misdemeanor. The Respondent was sentenced to
25 three (3) years probation, ordered to perform 30 days of service with Cal Trans, and pay
26 restitution of \$942. (*People v. Vercinia Michelle Gordon, Superior Court of the State of*
27 *California, County of Los Angeles, Case No. 6BF01781, 05/01/2006*). On or about June 5, 2009,
28 the Respondent was found in violation of probation and sentenced to an additional 30 days in jail.

b. The facts and circumstances surrounding the criminal conviction are that on or about January 30, 2006, the Respondent was driving a vehicle, which crashed into two parked vehicles causing moderate damage. The Respondent admitted "blacking-out" while driving home.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Drug Related Criminal Conviction)

16. Respondent's license is subject to discipline under Code section 2878(a) for unprofessional conduct in accordance with Code section 2878.5(c) because the Respondent has been convicted of a crime involving the possession of a narcotic or dangerous drug, or the prescription, consumption, or self-administration of any controlled substance or dangerous drug.

a. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 12, 13, and 14 inclusive, as though set forth fully herein.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Using Drugs in a Manner Dangerous or Injurious)

17. Respondent's license is subject to discipline under Code section 2878(a) for unprofessional conduct in accordance with Code section 2878.5(b) because the Respondent has used controlled substances, or dangerous drugs, or alcoholic beverages, to an extent or in a manner dangerous or injurious to herself, any other person, or the public, or to the extent that the use impairs her ability to conduct with safety to the public the practice authorized by her license.

a. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 12, 13, and 14 inclusive, as though set forth fully herein.

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1 PRAYER


2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
4 issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number VN 199835, issued to
6 Respondent Vercinia Michelle Gordon;

7 2. Ordering Respondent Vercinia Michelle Gordon to pay the Board of Vocational
8 Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of
9 this case, pursuant to Business and Professions Code section 125.3; and,

10 3. Taking such other and further action as deemed necessary and proper.

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12 DATED: April 26, 2011.


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing & Psychiatric Technicians
State of California
Complainant

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